



Steven W. Troxler
Commissioner

**North Carolina Department of Agriculture
and Consumer Services**
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

April 14, 2022

Kali Jump and Ryan Everhart
Owners
Pretty Paws Country Club
212 Cecil St
Thomasville, North Carolina 27360

NOTICE OF CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE ("NCAC") CHAPTER 52J SECTIONS .0102(3); .0204(d) and (e); .0206; and .0210(c) and NOTICE of WARNING for VIOLATIONS OF 02 NCAC 52J .0206; .0208; and .0209.

AWS-CP-2022-9

Facility: Pretty Paws Country Club
License #11423

Dear Ms. Jump and Mr. Everhart:

Pursuant to N.C. General Statute § 19A-40, I am issuing this notice that you individually and d/b/a Pretty Paws Country Club are hereby assessed a civil penalty of \$1,400.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to N.C. General Statute § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

PAYMENT

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by N.C.G.S. § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days of your receipt of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 984-236-1850.

You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Jonathan Lanier
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patricia Norris, DVM, MS". The signature is fluid and cursive, with the first name "Patricia" being more prominent.

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT
OF AGRICULTURE AND CONSUMER
SERVICES, VETERINARY DIVISION
ANIMAL WELFARE SECTION

IN THE MATTER OF)	NOTICE of VIOLATIONS and
)	ASSESSMENT of CIVIL PENALTY
KALI JUMP and RYAN EVERHART)	for VIOLATION of TITLE 02 N.C.
OWNERS OF)	ADMINISTRATIVE CODE CHAPTER
PRETTY PAWS COUNTRY CLUB)	52J SECTIONS .0102(3); .0204(d) and (e);
)	.0206; and .0210(c) and NOTICE of
)	WARNING for VIOLATIONS OF 02 NCAC
)	52J .0206; .0208 and .0209.
)	

Acting pursuant to N.C. General Statute § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

FINDINGS OF FACT

1. At all times pertinent to this matter, Pretty Paws Country Club ("the kennel") was a boarding kennel, licensed pursuant to N.C. General Statute ("NCGS") § 19A-28.
2. On March 7, 2022, AWS received two complaints concerning the care of the animals at the kennel. AWS initiated an investigation based on the information contained in the complaint. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act ("AWA") as these statutes and associated regulations are the extent of the jurisdiction of AWS.
3. On March 21, 2022, AWS Animal Health Technicians Christie Shore ("Inspector Shore") and Elizabeth Garner ("Inspector Garner") conducted an unannounced site visit as part of the complaint investigation. The March 16, 2022 site visit noted the following:
 - a. 12 dogs were housed together in the right-side outdoor play area without employee supervision in violation of 02 NCAC 52J .0204(e). Review of previous Facility Compliance Inspection ("FCI") reports for the kennel show that the kennel was previously cited for this violation on January 23, 2020;
 - b. the only water receptacle for 12 dogs in the right-side outdoor play area was overturned leaving the dogs without any water in violation of 02 NCAC 52J .0206 which requires that animal have continuous access to fresh water. The kennel was previously cited for this violation during the January 23, 2020 FCI;
 - c. 19 dogs were housed together in the left-side outdoor play area with only 1 supervising employee monitoring the dogs in violation of 02 NCAC 52J .0204(e). The kennel was previously cited for this violation during the January 23, 2020 FCI;
 - d. the only water receptacle for 19 dogs in the left-side outdoor play area did not contain any water and was dry leaving the dogs without any water in violation of 02 NCAC 52J .0206 which requires that animal have continuous access to fresh water; and
 - e. several water receptacles were noted to be damaged in violation of 02 NCAC 52J .0206 which

requires that damaged receptacles be replaced. This violation was verbally addressed with Mr. Everhart during the February 11, 2022 FCI;

4. The investigation into the allegation of incompatible animals fighting and subsequent actions by the kennel management revealed the following:
 - a. two dogs named Roxy and Stella that, due to previous altercation(s) were known to be incompatible were mistakenly placed in the same primary enclosure. The dogs fought, but were separated by kennel staff and moved to separate enclosures. This altercation occurred at approximately 9 AM on March 4, 2022;
 - b. upon hearing of the fight later that afternoon, kennel management brought Stella into Roxy's enclosure and while holding onto Stella proceeded to yell at the dogs. The kennel management then moved the dogs back into separate enclosures;
 - c. Stella reportedly suffered small wounds to her face while Roxy suffered significant wounds to her axillary (armpit) area, neck and abdomen;
 - d. Roxy who suffered significant wounds was not taken to a veterinarian by the kennel and there was no documentation of consultation with a veterinarian regarding the dog's wounds in violation of the 02 NCAC 52J .0210(c) which requires that injured animals be provided with veterinary care;
 - e. kennel management relayed that they bathed the dogs, cleaned the wounds with hydrogen peroxide and used Quick Stop powder to stop the bleeding;
 - f. the owners of the dogs were notified of the altercation and subsequent injuries to their dogs when they came to the kennel around or after 3 PM to retrieve their pets; and
 - g. review of the kennel records for the dogs revealed no documentation of the first-aid veterinary care provided to the dogs in violation of 02 NCAC .0102(3) which requires that records of veterinary care provided to animals while boarding are to be maintained. The kennel was previously cited for this violation during the March 9, 2021 FCI.
5. The investigation revealed a dog named Bentley boarded at the kennel on March 3, 2022. Bentley's owner was called in the afternoon to pick up Bentley as he appeared to be ill. The veterinary examination revealed that Bentley was showing decreased mentation and other neurological signs. The presumptive diagnosis was marijuana intoxication. Given the time of onset of clinical signs for this type of intoxication, the exposure was most likely to have occurred at the kennel. An OTC multi-drug screening test on Bentley's urine sample was positive for THC. When asked about this incident, kennel management stated that he had directed the staff to give Bentley Nutrical® and water. A review of the kennels records does not show documentation of the administration of this compound to Bentley in violation of 02 NCAC 52J .0102(3).
6. The FCI reports referenced herein were made available to the kennel owner and can be found on the AWS website at: <http://www.ncagr.gov/vet/aws/>.

CONCLUSIONS

As a result of this investigation, AWS concludes that the kennel, either by act or omission, violated the following provisions:

02 NCAC 52J .0102(3) for failing to maintain records of veterinary care administered to Stella and Bentley while the dogs were boarding at the kennel;

02 NCAC 52J .0204(d) for failing to provide supervision when more than 4 dogs are housed in the same primary enclosure as 12 dogs were housed together in the right-side play area on March 21, 2022 with no supervision;

02 NCAC 52J .0204(e) for failing to have at least one person supervising each 10 dogs housed within the left-side play area on March 21, 2022 where 19 dogs were supervised by only 1 employee;

02 NCAC 52J .0206 failing to provide animals with continuous access to fresh water in the left-side play area and the right-side play area on March 21, 2022;

02 NCAC 52J .0206 for failing to replace damaged water receptacles as noted on March 21, 2022;

02 NCAC 52J .0208 for failing to have a sufficient number of employees as there were not enough employees on the premises to provide the required supervision of the comingling dogs on March 21, 2022;

02 NCAC 52J .0209 for failing to maintain animals in compatible groups on March 4, 2022; and

02 NCAC 52J .0210(c) for failing to provide adequate veterinary care to Roxy, the dog significantly injured on March 4, 2022;

CIVIL PENALTY

As required by N.C. General Statute § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Kali Jump and Ryan Everhart, as owners and operators of Pretty Paws Country Club, are hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0102(3) for failing to maintain records of the administration of veterinary care of the dogs, Stella and Bentley;

\$200.00 for violation of 02 NCAC 52J .0204(d) for failing to provide supervision when more than 4 dogs are housed in the same primary enclosure as 12 dogs were housed together in the right-side play area on March 21, 2022 with no supervision;

\$200.00 for violation of 02 NCAC 52J .0204(e) for failing to have at least one person supervising each 10 dogs housed within the left-side play area on March 21, 2022 where 19 dogs were supervised by only 1 employee

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0206 failing to provide animals with continuous access to fresh water in the left-side play area and the right-side play area on March 21, 2022;

\$500.00 for violation of 02 NCAC 52J .0210(c) for failing to provide veterinary care to Roxy, the dog significantly injured on March 4, 2022;

\$1,400.00 TOTAL AMOUNT ASSESSED

(See Appendix for text of referenced General Statutes and Administrative Code)

NOTICE OF WARNING

As to the remaining violations of 02 NCAC 52J .0206 (failure to replace damaged water receptacles); .0208; and .0209, this Warning Letter serves as written notice indicating in which respects the kennel may have violated the NC Animal Welfare Act and the rules issued pursuant thereto. The facility owners are directed to immediately comply with the AWA and its associated rules.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

April 14, 2022
Date

Patricia Norris DVM, MS
Patricia Norris, DVM, MS
Director, Animal Welfare Section
North Carolina Department of
Agriculture & Consumer Services

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65; 1989, c. 544, s. 18; 2011-145, s. 31.5(b).)

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final

judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

02 NCAC 52J .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (3) veterinary care provided while boarded, which shall include date, times, description of medication (including name and dosage) and initials of person administering product or procedure.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. Required floor space in square inches $\div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.